

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY SJ D.C.  
05 NOV 10 PM 2:09  
CLERK, U.S. DISTRICT COURT  
MID-CITY JACKSON

RBP, L.L.C.,

Plaintiff,

VS.

No. 1:04-1154-T/An

GENUINE PARTS COMPANY and  
INDIANA INSURANCE COMPANY,

Defendants,

AND

GENUINE PARTS COMPANY,

Third-Party Plaintiff,

VS.

ALLIANZ GLOBAL RISKS U.S.  
INSURANCE COMPANY and  
LEXINGTON INSURANCE COMPANY,

Third-Party Defendants.

---

ORDER DENYING PLAINTIFF RBP, L.L.C.'S MOTION FOR AN ORDER  
REQUIRING ALL PARTIES TO PARTICIPATE IN NON-BINDING MEDIATION

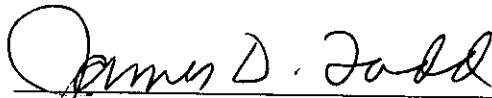
---

RBP, L.L.C. ("Plaintiff") moves for an order forcing all parties to this insurance coverage dispute to submit to a mandatory, but "non-binding," mediation conference. (Dkt. # 139). All of the parties, except Third-Party Defendant Allianz Global Risks U.S.

Insurance Company ("Allianz"), consent to participate in mediation. Allianz does not consent to participate in mediation.

The parties are certainly at liberty to, and are encouraged to, seek a voluntary resolution of this controversy. To that end, the parties do not need the court's approval or order. However, it appears that forcing an unwilling party to participate in a "non-binding" settlement conference would be a futile endeavor, even assuming that the court's equitable powers would generally support such an order. Consequently, Plaintiff's Motion to Require All Parties to Participate in Non-Binding Mediation (Dkt. # 139) is DENIED.

IT IS SO ORDERED.



JAMES D. TODD

UNITED STATES DISTRICT JUDGE

10 November 2005  
DATE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 154 in case 1:04-CV-01154 was distributed by fax, mail, or direct printing on November 16, 2005 to the parties listed.

---

Henry R. Daar  
DAAR & VENEK, P.C.  
225 West Washington St., 18th Floor  
Chicago, IL 60606

Russell E. Reviere  
RAINEY KIZER REVIERE & BELL  
209 E. Main Street  
Jackson, TN 38302--114

Robert W. Fisher  
ROBINS KAPLAN MILLER & CIRESI-Atlanta  
2600 One Atlanta Plaza  
950 East Paces Ferry Rd., NE  
Atlanta, GA 30326--138

Thomas A. Vickers  
225 W. Washington  
18th Floor  
Chicago, IL 60606

Thomas A. Vickers  
Daar & Vanek, P.C.  
225 W. Washington  
18th Floor  
Chicago, IL 60606

Albert B. Merkel  
MERKEL & TABOR  
203 S. Shannon  
Jackson, TN 38302--287

Douglas F. Halijan  
BURCH PORTER & JOHNSON  
130 N. Court Avenue  
Memphis, TN 38103

Judy Barnhill  
Criminal Justice Complex  
515 S. Liberty St.  
Jackson, TN 38301

Robert L. Green  
NEELY GREEN FARGARSON BROOKE & SUMMERS  
65 Union Ave.  
Ste. 900  
Memphis, TN 38103--054

Clayton H. Farnham  
DREW ECKL & FARNHAM  
P.O. Box 7600  
Atlanta, GA 30357

Gilbert Michael Malm  
Budd Lerner  
127 Peachtree Street, NE  
Ste 636  
Atlanta, GA 30303

Heidi H. Raschke  
ROBINS KAPLAN MILLER & CIRESI-Atlanta  
2600 One Atlanta Plaza  
950 East Paces Ferry Rd., NE  
Atlanta, GA 30326--138

Loys A. Jordan  
MCDONALD KUHN  
119 South Main St.  
Ste. 400  
Memphis, TN 38103

Brian T. Moore  
DREW ECKL & FARNHAM  
880 W. Peachtree St.  
P.O. Box 7600  
Atlanta, GA 30357

Honorable James Todd  
US DISTRICT COURT